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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,592	03/06/2001	Robert Olan Keith JR.	ABREAU-00103	2681
28960	7590	10/06/2004	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			NGUYEN, CAM LINH T	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 10/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/800,592

Applicant(s)

KEITH, ROBERT OLAN

Examiner

CamLinh Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendments to claims 1 – 37 are acknowledged. Currently, claims 1 – 37 are pending.
2. Applicant's arguments, with respect to the Double Patenting rejection filed 06/01/04, have been fully considered and are persuasive. The rejection of Double Patenting section has been withdrawn.

### ***Response to Arguments***

3. Applicant's arguments filed 06/01/04 have been fully considered but they are not persuasive.
  - ◆ Applicant argues that “Witek does not performing a search in which for any given searching step, four different search methodologies are available to be used to perform the search” (page 10 of the amendment), and “Witek does not a search module that includes a keyword ... such that each utilization of the search module includes the availability of each of these search capabilities” (page 10 of the amendment). The Examiner respectfully disagrees.

Referring to Fig. 10, there are at least four different search methodologies are available: parametric, keyword, hierarchical, and dichotomous key search (See the rejection). Witek clearly discloses theses search methodologies in the invention.

Referring to Col. 31, lines 1 – 8, Witek teaches that a single parametric can be search to narrow the search result, and at Col. 46, lines 58 – 67, the user is provided with plurality of options for searching the result. The user can start another search (choosing another category) or narrow the current result (setting parameters). “A search module” must be implemented in Witek invention

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in order for the system to carry out the processing. Clearly, Witek does disclose a search module that includes the availability of each of these search capabilities.

♦ Applicant argues that Witek does not teach a dichotomous key search. The Examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the definition of dichotomous and the way to use it as disclosed on page 18, lines 6 – 10 of the disclosure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As disclosed in the disclosure, an example of dichotomous key search is a yes no answer. Witek also discloses a yes no answer in the form of check box (See col. 16, lines 27 – 41). Therefore, Witek does disclose the dichotomous key search in the invention.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 - 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Witek et al (U.S. 6,253,188).

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♦ As per claim 1, 11, 20, 30, 37

Witek discloses a method of performing a research task within a searchable database comprising:

- “Performing a search by utilizing a search module, the search module includes a keyword search, hierarchical search, a dichotomous key search, and a parametric search ...

matching items” See Fig. 1, 7,10. In particular:

- “A search module” corresponds to the search engine that implemented in Fig. 1.
- “ A search criteria” corresponds to arguments or selections that user enters in Fig. 7, element 112.
- “ A searchable database” corresponds to database server (Fig. 1, element 20, col. 9, lines 53 – 55)
- “One or more matching items” corresponds to the results that sent to user (Fig. 7, element 126 – 128).
- “The search module includes keyword search” See Fig. 10, element 148, col. 29, lines 28 – 34.
- “ A hierarchical search” corresponds to “category search” because the categories include subcategories that organized in a hierarchical order. See Fig. 4, col. 31, lines 4 – 11.
- “ A dichotomous key search” See Fig. 3, element 70, col. 16, lines 27 – 50, Fig. 10, element 144 – 146. As defined in the Specification a “dichotomous key search” is used to instruct users given in an answer or question dialog, often yes or no answer (Specification, page 18, lines 6 – 8). In fig. 10, Witek also gives the

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users the options of answer questions by checking the boxes. Therefore, this search option is corresponding to the “dichotomous key search”.

- “A parametric search” See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10 – 29.
- “The searchable database is formatted in a directory tree structure” See Fig. 4, col. 18, lines 1 – 32.
- “The directory tree structure includes nodes ... branches” See fig. 4. Each category corresponds to a node. All nodes are linked together.
- “Selecting one of the matching item” See Fig. 6, element 106 – 110, col. 23, lines 44 – 48.
- “Formatting the collection of related data corresponding to the node of the selected matching item into an encyclopedia-like entry” See Fig. 4, col. 18, lines 1 – 32.
- “Displaying the encyclopedia-like entry corresponding to the node of the selected matching item” see Fig. 7, element 128- 130.

The Examiner takes Official Notice that it is well known for one skill in the art to implement a search module that includes the availability of each search methodologies into the search system. A search module must be implemented in Witek invention in order for the system to carry out the processing.

◆ As per claim 2, 12, 21, 31,

- “The encyclopedia-like entry includes text, graphics, links...” See Fig. 8 – 10, col. 23, lines 44 – 48, col. 24, lines 10 – 16.

◆ As per claim 3, 13, 22, 32, Witek discloses:

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- “The search criteria is one or more keywords input by a user” See Fig. 10, element 148, col. 29, lines 28 – 34.

◆ As per claim 4, 14, 23, 33, Witek discloses:

- “The utilized search methodology is the hierarchical search, the search criteria is selected one of a list of one or more directory items” A hierarchical search” corresponds to “category search” because the categories include subcategories that organized in a hierarchical order. See Fig. 4, 6 – 7, col. 31, lines 4 – 11.

◆ As per claim 5 – 6, 15 – 16, 24 – 25, 34 – 35

- “ The utilized search methodology is the dichotomous key, the search criteria is a selected one of two binary items” See Fig. 3, element 70, col. 16, lines 27 – 50, Fig. 10, element 144 – 146. As defined in the Specification a “dichotomous key search” is used to instruct users given in an answer or question dialog, often yes or no answer (Specification, page 18, lines 6 – 8). In fig. 10, Witek also gives the users the options of answer questions by checking the boxes. Therefore, this search option is corresponding to the “dichotomous key search”.
- “ The utilized search methodology is the parametric search, the search criteria is one or more set parameters, and further wherein the parameters are set by a user” See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10 – 29. As shown in Fig. 10, a user can set the values for parameters such as date, the range price, or number of room.

◆ As per claim 7, 17, 26, 36, Witek discloses:

- “The searchable database is distributed into more than one physical location” See Fig. 1, element 20, col. 9, lines 53 – col. 10, lines 5, col. 25, lines 37 – 44.

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◆ As per claim 8 - 10, 18 - 19, 27 - 29, Witek discloses:

- “ The steps of performing a search and formatting the collection of related data are performed by a server” See Fig. 1, 5A, col. 25, lines 13 - 33.
- “ Establishing an Internet connection with the server to utilize the search methodologies” See Fig. 5a, element 14, 24, col. 21, lines 15 - 20.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Monberg et al (U.S. 6,523,021) discloses a business directory search engine.
- Vanderpool et al (U.S. 5,781,773) discloses a method for transforming and storing data for search and display and a searching system utilized therewith.



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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is 703 - 305-1951.

The examiner can normally be reached on Monday-Friday.

From October 25, 2004, the Examiner can be reached at a new phone number: 571 – 272 – 4024.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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